

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: May 24, 2000

TO: Orange County Planning Commission

FROM: Planning & Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0022 for Site Development and Use Permit.

PROPOSAL: The applicant requests approval of a Site Development Permit, as required by the Foothill/Trabuco Specific Plan, to permit the construction of a new two-story, two-bedroom, 1,499 square foot single family dwelling on a 4,867 square foot lot. The proposal also includes a request for a Use Permit for an off-street parking modification to allow the use of one covered parking space (a one-car garage) and one uncovered parking space when two covered parking spaces are required for a single family dwelling.

LOCATION: In the Trabuco Canyon area at 20401 Pine Road, Trabuco Oaks. Third Supervisorial District

APPLICANT: Stuart and Darleen Levine, property owners

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA00-0022 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject level and vacant site is 4,867 square feet in area (measuring approximately 80 feet in width and averaging 60 feet in depth). The site is in the Foothill Trabuco Specific Plan and has a land use designation of "Trabuco Oaks Residential (TOR) District". The site fronts on a 20 feet wide dirt road called "Pine Road", which is designated as a public "alley" on the assessor's maps and a private right-of-way on the subdivision map (Tract No. 926, recorded in 1929). The site is similar in size to other lots in the vicinity as shown on the Assessor's Map included as Exhibit 2. The homes and property in the vicinity are collectively referred to as Trabuco Oaks.

The applicant proposes to build a small two bedroom, two-story home with a basement level. The proposed home has 755 square feet of living area on the ground level, 747 square feet on the second level and 685 square feet in the basement level. A large portion of the site is not usable for the construction of the home because of the presence of a large oak tree on the site, and the leach field needed for the private sewage disposal system. Because of this, the applicant is requesting a Use Permit for a modification of the

off-street parking requirements. The applicant proposes a one-car garage and one open parking space to the side of the garage. The Zoning Code requirement is two covered spaces for a single-family dwelling. The proposal also includes test holes for a leach field for a private sewage disposal system.

SURROUNDING LAND USE:

The subject site and all surrounding properties are within the TOR “Trabuco Oaks Residential” District of the Foothill/Trabuco Specific Plan. The surrounding area is developed with an eclectic mixture of single family residential uses.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to seven County Divisions and the Foothill/Trabuco Specific Plan Board of Review.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff. The Foothill/Trabuco Specific Plan Review Board approved this proposal at their May 12, 2000 meeting. They requested the applicant to add one additional on-site parking space if it was feasible.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

Generally, construction of new a single family dwelling that conform to the applicable site development standards is not subject to a discretionary permit prior to the issuance of a building permit. However, in the Foothill Trabuco Specific Plan all new construction is subject to review and approval of a site development permit by the Planning Commission. The purpose of the site plan review is to determine compliance with the Specific Plan Components (Section II) and the Development and Design Guidelines (Section IV) of the Specific Plan.

Except for the proposed one-car garage, the proposed home meets all applicable site development standards. The lot is less than 100 feet in depth and is classified as a “shallow lot”. For this lot, the Zoning Code requires a front and rear setback back of 9 feet. The applicant proposes a front setback for the house

at 16 feet and a rear setback of 9 feet. The garage is setback 18 feet from the street right-of-way, which is consistent with the County standard.

As noted, a large oak tree and the area required for a leach field take up a substantial portion of the lot. The applicant has only enough room for a one-car garage when a two-car (two covered spaces; garage or carport) is required. The applicant is providing two on-site parking spaces through the use of an 18 feet x 18 feet driveway, which provides for two standard parking spaces. Because the proposed house is small and provides only a one-car garage, the applicant is including an unfinished basement level to provide for additional storage area.

Planning staff's review of the proposal determined it to be in compliance with Sections II and IV of the Foothill/Trabuco Specific Plan. Staff supports the applicant's request for approval of a Site Development Permit. Even with the constraints for building on this lot, the applicant has chosen a house design that fits the lot and does not require the request for a setback variances. The *California Craftsman* design fits in very well and is compatible with the surrounding development. Staff supports the applicant's Site Development Permit portion of this planning application.

Regarding the request for an off-street parking modification for a one covered parking space and one open parking space, staff is off the opinion that the request can be justified. Staff bases this opinion on the fact that the lot is small and a significant area (approximately 50 percent) of the lot must be set aside for the preservation of the oak tree and the provision of the leach field. In order to provide for a two-car garage without the need for setback variances, the applicant would need to reduce the ground level square footage of the house by approximately 162 square feet, the size of one parking space. This would create a first floor living area of only 593 square feet, which according to the applicant, is insufficient living area to meet his family living needs. The project provides for two resident parking spaces and one guest parking space in front of the garage. Staff also supports the Use Permit for an off-street parking modification portion of this planning application.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA00-0022 for Site Development Permit and Use Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
Current Planning Services

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation, including a report from a consulting biologist.
- 2. Project site map and site photos.
- 3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of b\$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.